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Paper No. 18

In re Application of
Brent R. Constantz et al
Serial No. : 09/648,282
Filed : August 24, 2000
For : Fluid Delivery Systems for Delivering Fluids to
Multi-Lumen Catheters

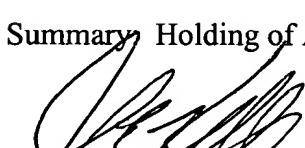
: DECISION ON PETITION
: TO WITHDRAW
: HOLDING OF
: ABANDONMENT

This is a decision on petitioner's request filed July 8, 2004, to review the holding of abandonment mailed June 28, 2004 for failure to respond to the Office action mailed November 28, 2003. There is no fee required for this petition.

In support of the request, as required by 37 CFR 1.10(e), petitioner has submitted a copy of a response that included an election of species, a copy of a return post card receipt (as yet not received by applicant), a copy of the "Express Mail" mailing label showing a "date-in" of December 19, 2003, a copy of a Track and Confirm receipt from the United States Postal Service indicating that the Express Mail No. EV333998300US correspondence was timely received by the Office, and a statement satisfying the requirements of 37 CFR 1.10(e)(4) averring that the submitted copies of the aforementioned documents are true copies of the originals and that the date of deposit was indeed December 19, 2003. Each paper constituting the correspondence includes the aforementioned number of the "Express Mail" mailing label.

In view of the above, the Notice of Abandonment mailed June 28, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon, the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed December 19, 2003.

Summary: Holding of Abandonment Withdrawn.


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